IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

FRIDAY, THE 28TH SEPTEMBER 2007 / 6TH ASWINA 1929

WP(C).No. 1688 of 2006(A)

PETITIONER:

SIVAN C.A., S/O.ARJUNAN, AGED 38,
CHENDANVELIMUKKALIL, THENGODU KARA,
KAKKANADU VILLAGE.

BY ADV. SRI. P.K. SOYUZ

RESPONDENTS:
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1. **REVENUE DIVISIONAL OFFICER,**
   FORT KOCHI.

2. **THAHASILDAR, KANAYANNUR TALUK.**

3. **THRIKKAKARA GRAMA PANCHAYATH,**
   REP. BY ITS SECRETARY.

4. **ASSISTANT COMMISSIONER OF POLICE,**
   THRIKKAKARA.

5. **S.I. OF POLICE,**
   THRIKKAKARA POLICE STATION, THRIKKAKARA.

6. **JINO, S/O.TOMY THAYANKERIL,**
   ULLEMVELYMOOLA, KAKKANAD.

7. **JINI, S/O.TOMY THAYANKERIL,**
   ULLEMVELYMOOLA, KAKKANAD.

BY ADV. SRI.S.SHANAVAS KHAN
SRI.SAIBY JOSE KIDANGOOR
GOVERNMENT PLEADER SRI. K.V. MANOJKUMAR.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 28/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 1688/2006(A)

A P P E N D I X

PETITIONER'S EXHIBITS:

EXT. P1	**:**	**COPY OF ORDER DATED 25.10.2002 OF THE 1ST RESPONDENT.**
EXT. P2	**:**	**COPY OF REPRESENTATION DATED 4.5.2004 SUBMITTED BEFORE THE DISTRICT COLLECTOR.**
EXT. P3	**:**	**PHOTOGRAPHS SHOWING THE ILLEGAL RECLAMATION OF THE PADDY FIELDS.**

// True Copy //

P.A. to Judge.

smp

KURIAN JOSEPH, J.

W.P. (C). NO. 1688 OF 2006

Dated this the 28th day of September, 2007.

J U D G M E N T

This writ petition is filed with the following prayers:

> i) Issue a writ of mandamus or other writ, order or direction compelling the respondents 1 to 5 to stop illegal and illicit reclamation of paddy fields in the implementation of Ext. P1 and P2.
>
> ii) Issue a writ of mandamus or other writ, order or direction compelling the 1st respondent to take steps to restore the paddy fields to its original condition which was reclaimed in violation of Ext. P1 and P2 and Land Utilisation order.

2. There is already an interim order dated 23.01.2006, which reads as follows:

> "Heard. The learned counsel for respondents 6 and 7 submitted that those respondents are not filling up the paddy field and what is being undertaken is only laying a road to reach his property. It is also submitted that for laying the road he has moved the Tahsildar for permission under the KLU order. It is further submitted that the petitioner has filed this writ petition with ulterior motives. Respondents 6 and 7 may file counter affidavit and they shall not fill up the paddy field, even if it is for laying a pathway without getting permission from the RDO for the same, under the KLU order".

It is seen that the petitioner has approached the first respondent as per Exhibit P2. There will be a direction to the first

respondent to dispose of Exhibit P2 with notice to the petitioner and respondents 6 and 7 and any other affected party, within a period of three months from the date of production of a copy of this judgment. The interim order as above is made absolute.

This writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

smp